



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IV

IN THE MATTER OF:

Enterprise Recovery Systems Site  
Byhalia, Marshall County,  
Mississippi,

Proceeding Under Section 122(g)(4)  
of the Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980, as amended,  
42 U.S.C. § 9622(g)(4)

ADMINISTRATIVE ORDER  
ON CONSENT

Docket No.: 94-14-C

I. JURISDICTION

This Administrative Order on Consent ("Consent Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), Pub. L. No. 99-499, 42 U.S.C. § 9622(g)(4), to reach settlements in actions under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a). The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (January 29, 1987) and delegated to the Regional Administrators of the EPA by EPA Delegation No. 14-14-E (issued September 13, 1987, amended by memorandum June 17, 1988), and further re-delegated to the Director, Waste Management Division, EPA, Region IV.

This Consent Order is issued to the Respondents identified in Appendix A and Settling Federal Agencies. Respondents and Settling Federal Agencies agree to undertake all actions required

by the terms and conditions of this Consent Order. Respondents and Settling Federal Agencies further consent to and will not contest EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

## II. DEFINITIONS

A. "Site" shall mean the Enterprise Recovery Systems Site, located in Marshall County, Mississippi on Cayce Road between Byhalia, Mississippi and Collierville, Tennessee.

B. "Respondents" shall mean those parties identified in Appendix A.

C. "Settling Federal Agencies" shall mean the United States Department of Interior - Bureau of Reclamation; the United States Department of Agriculture; the United States Department of Agriculture - United States Forest Service; and the United States Department of Veterans Affairs.

D. "United States" shall mean the United States of America, its departments, agencies and instrumentalities.

E. "Matters Addressed" shall mean all removal response activities at the Site, authorized pursuant to CERCLA, 42 U.S.C. § 9601 et seq., resulting from existing releases or threatened releases at the Site and addressed in the executed Administrative Order on Consent for Removal Action at the Site, Docket Number 93-43-C.

## III. STATEMENT OF FACTS

1. The Site is located in Mississippi on Cayce Road between Byhalia, Mississippi and Collierville, Tennessee. The land

surrounding the Site has a small residential population, but several homes are located within 200 yards of the Site. The Site includes a single story sheet metal building, two distinct storage tank areas, a small retention pond, and several outdoor drum storage areas.

2. Enterprise Recovery Systems, Inc., facility ID number MSD000693176, ("Enterprise") is the owner and operator of an abandoned solvent recycling facility which operated on the Site. Enterprise recycled solvents and operated under a permit issued in accordance with the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., as amended ("RCRA"). Enterprise began operations as early as 1978; Enterprise closed in October 1991 when its insurer discovered significant soil and groundwater contamination at the Site and canceled insurance coverage.

3. Hazardous substances found on or about the Site include benzene, xylene, toluene, tetrachloroethylene, trichloroethylene, 1,1,1-trichloroethane, perchloroethylene, naphthalene, acetone, ethanol, methanol, bis(2-ethylhexyl)phthalate, methyl ethyl ketone, isopropyl alcohol, oils, methylene chloride, and chlorinated waste water.

4. Hazardous substances within the definition of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), have been or are threatened to be released into the environment at or from the Site.

5. As a result of the release or threatened release of hazardous substances into the environment, EPA has undertaken

response actions at the Site under Section 104 of CERCLA, 42 U.S.C. § 9604, and may undertake additional response actions in the future. On September 27, 1993, EPA entered into an Administrative Order on Consent for Removal Action at the Site, Docket Number 93-43-C, with a number of potentially responsible parties.

6. In performing these response actions, EPA has incurred response costs at or in connection with the Site. For purposes of this Consent Order, the estimate of past costs incurred by EPA at the Site, prior to August 31, 1993, are \$115,370.37.

7. Information currently known to EPA indicates that each Respondent and Settling Federal Agency arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of a hazardous substance owned or possessed by such Respondent and Settling Federal Agency at the Site, or accepted a hazardous substance for transport to the Site.

8. Information currently known to EPA indicates that the amount of hazardous substances contributed to the Site by each Respondent and Settling Federal Agency does not exceed 10,000 gallons, or 0.45 percent of the hazardous substances at the Site, and that the hazardous substances contributed to the Site by each Respondent and Settling Federal Agency are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at the Site.

9. In evaluating the settlement embodied in this Consent Order, EPA has considered the potential costs of the removal

action at or in connection with the Site taking into account possible cost overruns.

10. Payments required to be made by each Respondent and Settling Federal Agency pursuant to this Consent Order are a minor portion of the total response costs at the Site which EPA, based upon currently available information, estimates to be approximately \$1,340,000.00.

#### IV. DETERMINATIONS

Based upon the Findings of Fact set forth above and on the administrative record for this Settlement, EPA has determined that:

1. The Enterprise Recovery Systems Site is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

2. Each Respondent and Settling Federal Agency is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

3. Each Respondent and Settling Federal Agency is a "potentially responsible party" under Sections 107(a) and 122(g)(1) of CERCLA, 42 U.S.C. §§ 9607(a) and 9622(g)(1).

4. There has been an actual or threatened "release" of a hazardous substance from the Site as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

5. Prompt settlement with the Respondents and Settling Federal Agencies is practicable and in the public interest in accordance with Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

6. This Consent Order involves at most only a minor portion of the response costs at the Site in accordance to Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

7. The amount of hazardous substances contributed to the Site by each Respondent and Settling Federal Agency and the toxic or other hazardous effects of the hazardous substances contributed to the Site by each Respondent and Settling Federal Agency are minimal in comparison to other hazardous substances at the Site in accordance with Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A).

#### V. ORDER

Based upon the administrative record for this Settlement and the Findings of Fact and Determinations set forth above, and in consideration of the promises and covenants set forth herein, it is hereby AGREED TO AND ORDERED:

#### PAYMENT

1(a). Each Respondent shall pay the amount set forth in Appendix B to this Consent Order, which is incorporated herein by reference, in accordance with Section V of this Consent Order, within thirty (30) days of the effective date of this Consent Order.

1(b). Each Settling Federal Agency shall pay the amount set forth in Appendix B to this Consent Order, which is incorporated herein by reference, in accordance with Section V of this Consent Order, within one hundred twenty (120) days of the effective date of this Consent Order.

2. The total amount to be paid by each Respondent and Settling Federal Agency includes a payment for: (a) past response costs incurred at or in connection with the Site; (b) projected future response costs to be incurred at or in connection with the Site; and (c) a premium to cover the risk that response costs to be incurred at or in connection with the Site will exceed \$1,340,000.00.

3. Each payment shall be made by certified or cashier's check and paid to:

Enterprise Recovery Systems Site Group  
C/O Eugene E. Smary, Esquire  
Warner, Norcross & Judd  
900 Old Kent Building  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503-2489

4. Each Respondent and Settling Federal Agency shall simultaneously transmit a copy of its check to:

Carolyn McCall  
Waste Programs Branch  
Waste Management Division  
U.S. Environmental Protection Agency  
Region IV  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

5. Payments by or on behalf of Settling Federal Agencies are subject to availability of appropriated funds. Nothing in this Consent Order shall be interpreted as or constitute a commitment or requirement that the Settling Federal Agencies obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341.

### CIVIL PENALTIES

6. In addition to any other remedies or sanctions available to EPA, any Respondent who fails or refuses to comply with any term or condition of this Consent Order shall be subject to a civil penalty of up to \$25,000 per day for each failure or refusal to comply pursuant to Section 122(1) of CERCLA, 42 U.S.C. § 9622(1).

### CERTIFICATION OF RESPONDENTS AND SETTLING FEDERAL AGENCIES

7. Each Respondent and Settling Federal Agency certifies individually that, to the best of its knowledge and belief, it has conducted a thorough, comprehensive, good faith search for information and for any evidence of destruction of or tampering with information or documents, and has fully and accurately disclosed to EPA all information currently in its possession, or in the possession of its officers, directors, employees, contractors or agents, which relates in any way to the ownership or control of the Site, or to the ownership, operation, generation, treatment, transportation, storage or disposal of hazardous substances, pollutants or contaminants at or in connection with the Site. Each Respondent further certifies, individually, that it has disclosed to EPA any and all evidence of destruction or tampering with any documents or other information relating to its potential liability or the filing of a suit against Respondent regarding the Site and that it has fully and accurately complied with any and all EPA requests for information pursuant to Sections 104(e) and 122(e) of CERCLA, 42



U.S.C. §§ 9604(e) and 9622(e), and Section 3007 of RCRA, 42 U.S.C. § 6927. Provision of false, fictitious, or fraudulent statements or representations to the United States may subject a Respondent to criminal penalties pursuant to 18 U.S.C. § 1001.

#### COVENANTS BY EPA

8. In consideration of the payments that will be made by the Respondents and Settling Federal Agencies under the terms of this Consent Order, and except as specifically provided in Section V, Paragraphs 10 and 11, of this Consent Order, EPA covenants not to sue any Respondent or take administrative action against any Respondent or Settling Federal Agency pursuant to Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) or 9607(a), and Section 7003 of RCRA, 42 U.S.C. § 6973, relating to the Matters Addressed. With respect to present and future liability, these covenants shall take effect with respect to each Respondent and Settling Federal Agency upon the receipt of the payment from that Respondent or Settling Federal Agency required by Section V, Paragraph 1, of this Consent Order. With respect to each Respondent and Settling Federal Agency, these covenants are conditioned upon the complete and satisfactory performance by that Respondent of its obligations under this Consent Order. These covenants extend only to the Respondents and Settling Federal Agencies and do not extend to any other person.

#### COVENANTS BY RESPONDENTS AND SETTLING FEDERAL AGENCIES

9. The Respondents and Settling Federal Agencies covenant and agree not to assert any claims or causes of action against

the United States or any of its agencies or its contractors or employees with respect to the Matters Addressed or this Consent Order, including, but not limited to, any direct or indirect claim for reimbursement from the Hazardous Substance Superfund (established pursuant to the Internal Revenue Code, 26 U.S.C. § 9507) through Sections 106(b)(2), 111, 112 or 113 of CERCLA, 42 U.S.C. §§ 9606(b)(2), 9611, 9612 or 9613, or any other provision of law, or any claims arising out of response activities at the Site. Nothing in this Consent Order shall be deemed to constitute preauthorization of a claim within the meaning of Section 111 of CERCLA, 42 U.S.C. § 9611, or 40 C.F.R. § 300.700(d).

#### RESERVATIONS OF RIGHTS

10. The covenants by EPA set forth in Section V, Paragraph 8, of this Consent Order, do not pertain to any matters other than those expressly specified in Paragraph 8. The United States, including EPA, reserves, and this Consent Order is without prejudice to, all rights against Respondents and Settling Federal Agencies with respect to all other matters, including but not limited to the following:

- a) claims based on a failure to make the payments required by Section V, Paragraph 1, of this Consent Order;
- b) criminal liability; or
- c) liability for damages for injury to, destruction of, or loss of natural resources.

11. Notwithstanding any other provision of this Consent Order, the United States, including EPA, reserves, and this Consent Order is without prejudice to, the right to institute judicial proceedings or to issue an administrative order seeking to compel the Respondents and Settling Federal Agencies 1) to perform response actions relating to the Site, or 2) to reimburse the United States, including EPA, for additional costs of response if:

a) information not currently known to EPA is discovered which indicates that any Respondent or Settling Federal Agency contributed hazardous substances to the Site in such greater amount or of such greater toxic or other hazardous effects that the Respondent or Settling Federal Agency no longer qualifies as a de minimis party at the Site because the Respondent or Settling Federal Agency contributed greater than 10,000 gallons, or 0.45 percent of the hazardous substances at the Site, or contributed hazardous substances which are significantly more toxic than or are of significantly greater hazardous effect than other hazardous substances at the Site; or

b)(i) conditions at the Site, previously unknown to EPA, are discovered, or ii) information, previously unknown to EPA, is received, in whole or in part, and the previously unknown conditions or information together with other information indicates that the removal action consistent with the Administrative Order in Consent for Removal Action,

Docket Number 93-43-C, is not protective of human health or the environment.

c) For purposes of Section V, paragraph 11(b), of this Consent Order, the information and the conditions known to EPA shall include only that information and those conditions set forth in the Administrative Order in Consent for Removal Action, Docket Number 93-43-C, and the administrative record supporting the removal action.

EFFECT OF SETTLEMENT: CONTRIBUTION PROTECTION

12. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Consent Order. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Consent Order may have under applicable law. The United States, including EPA and Settling Federal Agencies, and the Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a party hereto.

13. EPA and the Respondents and Settling Federal Agencies agree that the actions undertaken by the Respondents and Settling Federal Agencies in accordance with this Consent Order do not constitute an admission of any liability by any Respondent or Settling Federal Agency. The Respondents and Settling Federal

Agencies do not admit and retain the right to controvert in any subsequent proceedings, other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts or Determinations contained in this Consent Order.

14. With regard to claims for contribution against each Respondent and Settling Federal Agency for Matters Addressed by this Consent Order, EPA and Respondents and Settling Federal Agencies agree that each Respondent and Settling Federal Agency is entitled, as of the date of this Consent Order, to such protection from contribution actions or claims as is provided by Sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5). Such protection with respect to each Respondent and Settling Federal Agency is conditioned upon that Respondent's or Settling Federal Agency's compliance with the requirements of this Consent Order.

#### PARTIES BOUND

15. This Consent Order shall apply to and be binding upon EPA, the Settling Federal Agencies, and the Respondents and their heirs, successors and assigns. Any change in ownership or corporate status of a Respondent including, but not limited to, any transfer of assets or real or personal property, shall in no way alter each Respondent's responsibilities under this Consent Order. Each signatory to this Consent Order represents that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to bind legally the Respondent or Settling Federal Agency which he or she represents.

PUBLIC COMMENT

16. This Consent Order shall be subject to a thirty-day public comment period pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw or modify consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper, or inadequate.

ATTORNEY GENERAL APPROVAL

17. The Attorney General or her designee has issued prior written approval of the settlement embodied in this Consent Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4).

EFFECTIVE DATE

18. The effective date of this Consent Order shall be the date upon which EPA issues written notice to the Respondents and Settling Federal Agencies that the public comment period pursuant to Section V, Paragraph 16, of this Consent Order has closed and that comments received if any, do not require modification of or EPA withdrawal from this Consent Order.

IT IS SO AGREED AND ORDERED:

Respondent: \_\_\_\_\_  
(Typed)

By: \_\_\_\_\_  
Name (Typed):  
Title (Typed):

\_\_\_\_\_  
Date

Enterprise Recovery Systems Site  
Administrative Order on Consent  
EPA Docket No.:

U.S. Environmental Protection Agency

By:

\_\_\_\_\_  
Joseph R. Franzmathes  
Director, Waste Management Division

\_\_\_\_\_  
Date

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2 of pages 14

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 FROM: Beth Davis  
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Bill -  
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Thx -  
 Beth D

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REGION IV

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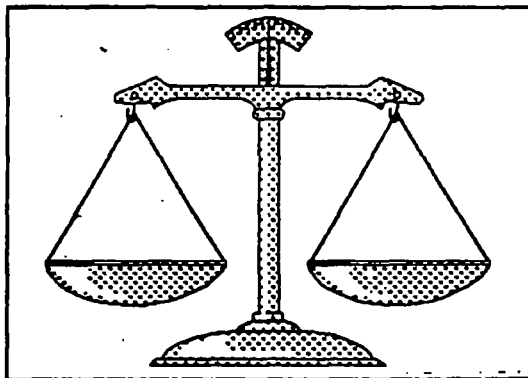
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900 OLD KENT BUILDING  
111 LYON STREET, N.W.  
GRAND RAPIDS, MICHIGAN 49503-2489  
TELEPHONE (616) 459-6121  
FAX (616) 459-2170 & (616) 459-2611

MUSKEGON OFFICE  
COMERICA BANK BUILDING  
801 WEST NORTON AVENUE  
P.O. BOX 900  
MUSKEGON, MICHIGAN 49443-0900  
TELEPHONE (616) 739-2297  
FAX (616) 733-1460

HOLLAND OFFICE  
CURTIS CENTER  
SUITE 300  
170 COLLEGE AVENUE  
HOLLAND, MICHIGAN 49423-2920  
TELEPHONE (616) 396-9800  
FAX (616) 396-3656

SUE O. CONWAY  
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March 16, 1994

via telecopy

Elizabeth B. Davis, Esq.

Assistant Regional Counsel

U.S. Environmental Protection Agency, Region IV

345 Courtland Street, N.E.

Atlanta, Georgia 30365

Re: Enterprise Recovery Systems Site: Potential De Minimis Settlers (1) Coppes, Inc. and (2) Western Kentucky University

Dear Ms. Davis:

I am writing to provide you information about my recent telephone conversations with two potential de minimis settlers. First, on March 14, I spoke with Paul Harold, who is apparently in charge of the Coppes Nappanee Company. This company may be a successor to Coppes, Inc., an entity that EPA contacted regarding the Enterprise Recovery Systems de minimis settlement. To review, EPA offered a de minimis settlement to Coppes, Inc., of Nappanee, Indiana. When they did not respond, we sent them a letter by certified mail. The company refused to accept that letter. I followed up by telephone, and spoke with Mr. Harold. Mr. Harold related that Coppes, Inc. is "dead" and "bankrupt," and that the Coppes Nappanee Company bought the assets of Coppes, Inc. Apparently, both companies were and are in the business of making cabinets. Coppes Nappanee occupies the same building as did Coppes, Inc., and has some of the same customers. Mr. Harold stated that the two companies have different employees. Due to the brevity of our conversation, I was unable to review any other

Elizabeth B. Davis, Esq.  
March 16, 1994  
Page 2

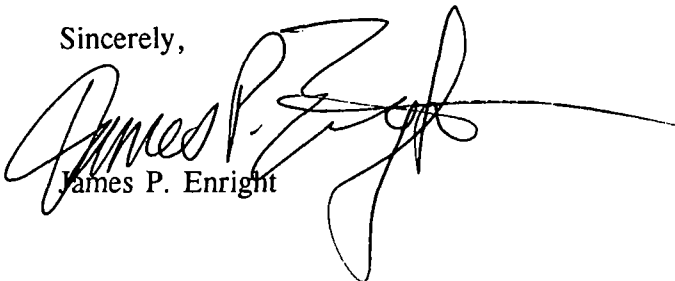
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elements of the continuity of enterprise theory with Mr. Harold. After he related that we can pursue Coppes Nappanee all we want, and I suggested that he review CERCLA successor liability with an attorney of his choosing, our conversation concluded. In any event, you should not expect a signature page from this company.

Second, it appears that Western Kentucky University will settle. You should receive their signature page soon.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Enright", with a long horizontal flourish extending to the right.

James P. Enright

JPE:imb



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
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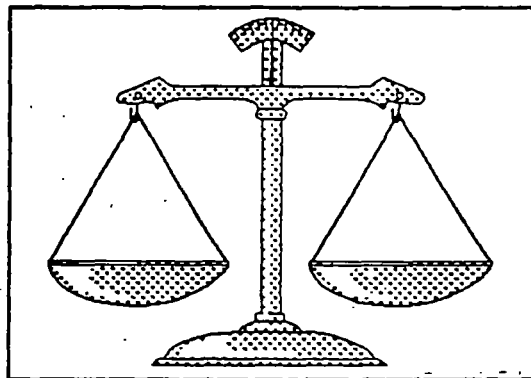
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FYI, here is a list of  
signatories to the De Minimis  
AOC revised in accordance  
with our discussions this  
morning. Please let me know  
if you have any questions or  
hear from any additional  
de minimis parties. Thanks Beth



ENTERPRISE RECOVERY SYSTEMS SITE  
RESPONDENTS TO DE MINIMIS AOC  
ATTACHMENT "A"

1. 4/Flight Industries
2. 22nd District Agricultural Association
3. ABC Industries, Inc. (a/k/a Peabody ABC Corporation)
4. A/C Fuel Cells Worldwide
5. ACF Industries, Inc.
6. Abtrex Industries, Inc.
7. Adgraphics Group Pacific, Inc.
8. Aero Tanks and Floats, Inc. (f/k/a Aviation Fuel Cells International, Inc.)
- X9. Aircap Industries
10. Aircraft Contours Limited Partnership
11. Airtex Products
12. Alamogordo Public Schools
13. Alcoa Fujikura Ltd. (a/k/a PEP Industries)
14. Amana Refrigeration, Inc.
15. American Bank Note Company (f/k/a Jeffries Banknote Company)
- X16. ~~American & Import Collision Repair~~ - NEEDS TO BE SIGNED ~~901-304-4246~~ *Irby Sides*
17. ~~Amtrol, Inc.~~ - NEEDS TO BE SIGNED ~~Gerald Petros 901-274-2000~~
18. Angus Biotech, Inc.
19. Apache Products Company
20. Aqua Yacht Harbor Corporation
- X21. ~~Arco Industries Corporation~~ ~~679-6212~~ *Robt Ferguson*
22. ~~Artisan Frame & Moulding Company~~ - NEEDS TO BE SIGNED ~~Billy Sprates 901-794-6120~~ *fax 901-794-7687 (fax) (#2)*
23. Barth, Inc.
24. Benchmark Graphics, Inc.
25. Biloxi Regional Medical Center
26. Boulevard Printing & Graphics
27. Brunswick Corporation
28. California Coast Color, Inc.
29. California Litho Company
30. Calsonic Miura Graphics, Inc.
31. Capitol Press
32. Carey's Body Shop
33. The Castle Press
34. Challenge Door Company
35. Charles Martin Inspection and Controls, Inc. (d/b/a Inspectorate)
36. Chromatic Ink Lithographers
37. Chrysler Corporation
38. Chuck Hutton Chevrolet Company
39. City of Kansas City, Missouri (f/k/a Missouri Public Works Dept.)
40. City of Los Angeles, California (on behalf of General Services Department)
41. City of Natchitoches, Louisiana
42. City of Newport Beach, California
43. City of Norwalk
44. Cleaver Brooks, a Division of Aqua-Chem
45. Coca-Cola Foods, a Division of the Coca-Cola Company
46. Colourcraft Printing, Inc.
47. Commercial Clear Print
48. Compuartist
49. Con Pac, Inc.
50. Constar Plastics, Inc. (f/k/a Sewell Plastics)
- X51. ~~Continental PET Technologies, Inc.~~ *Richard Carter 606-282-6625*
52. Costello Brothers Lithographers, Inc.
53. Coyne Cylinder Company
54. Cray, Inc.
55. Crest Graphics, Inc.
56. Croft Metals, Inc.
57. Crown Printing
58. Cyclear, Inc.
59. Delta Industrial Coatings, Inc.
60. Deluxe Corporation (a/k/a Deluxe Check Printers)
61. Desert Printing Company, Inc.
62. Dimensional Designs, Inc.
63. Dixee Wire Cloth Products
64. Dixie Rubber Stamp & Seal Company of Mississippi, Inc.
65. Dover Elevator Systems, Inc.
66. Dual Graphics, Inc.
67. Duplex Products, Inc.
68. Durand-Raute Corporation
69. EAC Corporation (d/b/a EckAdams)
70. Eaton Corporation (f/k/a King Seeley Corporation)
71. Economy Printing & Mailing Services, Inc.
72. Electra Corporation (Dennis Foster)
- X73. ~~Electro Painters, Inc.~~ *Thomas Evans 317-875-881*
74. Eljer Corporation
75. Engineered Cooling Systems, Inc.

*Allied Electroplating*

*fax 901-794-7687 (fax) (#2)*

76. Engraph, Inc.  
77. Engstrom-Smith Lithography (a/k/a The Workshop)  
78. Environmental Resource Associates, Inc.  
79. ffi Corporation (a/k/a Farm Fans)  
80. FKI Industries, Inc. (f/k/a Babcock Industries, Inc.)  
81. FMC Corporation  
82. FM Pathology Laboratory  
83. ~~Faust Printing, Inc. - NEEDS TO BE SIGNED~~ <sup>909</sup> ~~Don Ross~~ <sup>980 1577</sup> Lee. Horton  
84. Federal Express Corporation  
85. ~~Flinns Lithograph Company~~ <sup>NEEDS TO BE SIGNED</sup> ~~Marilynn Flinn~~ <sup>818-849-2568</sup>  
86. Friction Materials Company  
87. GE Appliances  
88. The Gates Rubber Company  
89. Gem, Inc.  
90. General Printing Ink Division  
Sun Chemical Corporation  
Sequa Corporation  
91. Genesco, Inc.  
92. Gerwin Corporation  
93. Gossett Body Shop  
94. Greens, Inc.  
95. Grenada Lake Medical Center  
96. Griffin Printing & Lithograph Company, Inc.  
97. Hager Hinge Company  
98. Halstead Industries, Inc.  
99. Hamilton Displays, Inc. (f/k/a Dimensional Designs, Inc.)  
X100. ~~Hansberger Precision Golf (a/k/a Ram Golf)~~ <sup>Terry Rocklington</sup> 601-489-2244  
101. The Harman Press  
102. Hart's Manufacturing Company  
103. Hartzell Fan, Inc.  
104. Hi-Lo Oil - #811, #662, #663  
105. Hoffinger Industries, Inc.  
106. The Hoosier Company, Inc.  
107. Hospital Corporation of America  
108. Hunter Fan Company  
109. Hurco Manufacturing Company  
110. IMC-Agrico Company  
111. IPC, a Division of Intex Plastics  
112. IPS Corporation  
113. I.R. Construction Products Company, Inc. (f/k/a Inryco, Inc.)  
114. ITT Automotive  
115. Indiana Bell Telephone Company, Inc.  
116. Indiana Michigan Power Company  
117. Industrial Printers of California  
118. Inland Steel Flat Products Company  
119. Intergraph Corporation  
120. J & D Litho, Inc.  
121. J.T. Parsons Cabinet Company, Inc.  
122. ~~Jim's Auto Body Shop, Inc. - NEEDS TO BE SIGNED~~ <sup>Peggy Blakely</sup> 901-476-0682  
123. Joamca Chemical Products Company, Inc.  
124. Jomac Products, Inc.  
125. KCL Corporation  
126. K&W Products  
127. ~~Kater Litho, Inc. - [WRONG SIGNATURE PAGE]~~ <sup>Richard Botwinick</sup> 213-464-1163 (fax = 0196)  
128. Kauffman Engineering, Inc.  
129. ~~Kentucky Mountain Industries, Inc.~~ <sup>Kevin Chestnut</sup> 606-598-3183/8543  
130. Lake City Heat Treating Corporation  
131. Larry Brown Lithographers, Inc.  
132. Laycook Products Company, Inc.  
133. Leggett & Platt, Inc.  
134. Lithographix, Inc.  
135. Lockheed - Georgia Company  
136. London Press, Inc.  
137. Long Beach City College  
138. Louisiana Department of Wildlife and Fisheries  
139. Lydall, Inc. - Composite Materials Division  
140. Marley Electric Heating Company (a/k/a Berko Electric)  
X141. ~~Masonite Corporation~~ <sup>Steve Grusk</sup> 901-763-6000  
Reynolds and Reynolds (f/k/a Shumate Business Forms)  
International Paper Company  
142. Media Lithographics  
143. Memorial Hospital of Holly Springs, Inc.  
144. Methodist Haywood Park Hospital, Inc.  
145. Methodist Hospital of Indiana, Inc.  
146. Metropolitan School District of Washington Township, Marion County, Indiana  
147. Midway Ford, Inc.  
148. ~~Mid-West Spring Manufacturing Company~~  
149. Mike Shad Ford - Memphis, Inc.

*First time  
the order*

*resend order*

*Greg - pull manifests*

*orig. in?*

150. Mississippi Crime Laboratory
- ?151. Mississippi Department of Environmental Quality
152. Mississippi Department of Transportation
153. Mobile Drilling Company, Inc.
154. Modine Manufacturing Company
- ?155. ~~Moeller Manufacturing Company, Inc.~~ *Westerly, RI*
156. Monarch Litho, Inc.
157. Monticello Spring Corporation
158. Moore & Sons, Inc.
159. Morris Machine Company, Inc.
160. Mueller Brass Company
161. Mulay Plastics, Inc.
162. Naegle Outdoor Advertising (a/k/a Morris Communications)
163. National Industrial Constructors, Inc.
164. Navistar International Transportation Corporation
165. News-Type Service, Inc.
166. Neyenesh Printers, Inc.
167. Northern Consulting Communications & Equipment, Inc.
168. Northern Electric Company
169. Northern Telecom, Inc.
170. North Hollywood Printing Company, Inc.
171. PSP Graphics
172. Pacific Rim Printers/Mailers
173. Pathologists' Laboratory, P.C.
174. Paul and Beekman Company, Inc.
- X175. ~~Peavey Electronics Corporation~~ *Scott Wiggins 601-483-5365*
176. Penn Lithographics
177. Peterbilt of Memphis, Inc.
178. Plumley Companies
179. Potter Company
180. Precision Propeller, Inc. (f/k/a Indiana Precision Casting, Inc.)
181. Premier Printing Corporation
182. Presentation Media, Inc.
183. Printing Plus
184. ~~Process Engineering Co., Inc.~~ - NEEDS TO BE SIGNED *Gary Goodman 601-981-4931*
185. The Quaker Oats Company
186. R.B. Graphics
187. R.R. Donnelley & Sons Company
188. Rayloc Company
189. Reichhold Chemicals, Inc.
190. Reliance Comm/Tec Corporation
191. Republic Environmental Systems (f/k/a ECOLOTEC, Inc.)
192. Research Solvents & Chemicals
193. Rheem Manufacturing Company
194. Rinehart Research
195. Ripley Industries, Inc.
196. Robertshaw - Tennessee
197. Ron Ink Company, Inc.
198. Rose Hill, Inc.
199. Rotan Independent School District
200. Russell & Miller, Inc.
201. S.K. Wellman Corporation
202. St. Dominic-Jackson Memorial Hospital
203. St. Tammany Parish Hospital
204. San Fernando Valley Board of Realtors, Inc.
205. Scienco, Inc.
206. Scoles Cadillac of Nashville, Inc.
207. Selmer Company, Inc.
208. The Shannon Group, Inc. (a/k/a Kolpak Industries)
209. Shelby Williams Industries, Inc. (a/k/a Madison Furniture Ind.)
210. Sinclair Printing
- X211. ~~SmithKline Beecham~~ *Monica Alston 215-270-7093*
212. Smith Lithographic Arts, Inc.
213. Smoker-Craft Division, Goshen Sash & Door Company, Inc.
214. Snell & Sons Investment, Inc. (a/k/a The Paint Shop)
215. Southern California Graphics
216. Southern California Lithographics
217. Spectro Chem, Inc.
218. The Stackpole Corporation (a/k/a Pure Industries)
219. Stow Davis Furniture, Inc. (f/k/a Interior Woodworking Corporation)
220. Sundance Litho, Inc.
221. Sunland Associates
222. Teleflora, a Division of Roll International Corporation
223. Texas Boot Company
224. Textron, Inc. (a/k/a Avco Electronics)
225. Thomas & Betts Corporation
226. Tom Martin's, Inc.
227. Trimm Industries, Inc.

- 228. Tube Processing Corporation  
CTP Corporation  
Commercial Tube Processing
- 229. Union Oil Company of California (d/b/a Unocal)
- 230. The Union Tool Corporation
- 231. United Technologies Automotive, Inc. (for Harding Machine)
- 232. United Technologies Automotive Systems, Inc. (f/k/a Sheller Globe Corporation)
- 233. University of Mississippi Medical Center
- 234. University of Notre Dame
- 235. Vanguard Manufacturing Co., Inc.
- X236. Vanier Business Forms & Services *Thomas Redick 619-544-3174*
- 237. Vaughn Printing
- 238. The Vendo Company
- 239. Ventra Corporation
- 240. Viking Lithograph, Inc.
- 241. WHC, Inc.
- 242. WKM Realty (d/b/a Kansas Avenue Industrial Park)
- 243. W&M Manufacturing Company, Inc.
- 244. Walker Manufacturing Company
- 245. Warsaw Chemical Company, Inc.
- 246. Weber Printing Company, Inc.
- X247. Westform Industries *Raymond Davies 818-247-7030*
- X248. Westland Graphics *Dan Wap 213-688-1000*
- 249. West Point Casket Company
- 250. Williams Cabinet Shop, Inc.
- 251. Woodridge Press, Inc.
- 252. Woodshaft, Inc. (a/k/a True Temper Sports)
- 253. Yoder Kitchen Corporation
- 254. Z Graphics
- 255. Z.H. Indiana (f/k/a Mobile Drilling Company, Inc.)
- 256. Zimmer Paper Products, Inc.

? - Company indicated interest in signing but has not yet presented signature page.  
 X - To date, Company has presented only fax of signature page.



# WARNER, NORCROSS & JUDD

## ATTORNEYS AT LAW

900 OLD KENT BUILDING  
111 LYON STREET, N.W.  
GRAND RAPIDS, MICHIGAN 49503-2489  
TELEPHONE (616) 459-6121  
FAX (616) 459-2170 & (616) 459-2611

MUSKEGON OFFICE  
COMERICA BANK BUILDING  
801 WEST NORTON AVENUE  
P.O. BOX 900  
MUSKEGON, MICHIGAN 49443-0900  
TELEPHONE (616) 739-2297  
FAX (616) 733-1460

HOLLAND OFFICE  
CURTIS CENTER  
SUITE 300  
170 COLLEGE AVENUE  
HOLLAND, MICHIGAN 49423-2920  
TELEPHONE (616) 396-9800  
FAX (616) 396-3656

SUE O. CONWAY  
STEVEN R. HEACOCK  
CAMERON S. DeLONG  
JEFFREY B. POWER  
SCOTT D. HUBBARD  
RICHARD L. BOUMA  
STEPHEN B. GROW  
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KAREN VANDERWERFF  
SUSAN GELL MEYERS  
GORDON J. TOERING

OF COUNSEL  
LAWSON E. BECKER  
CONRAD A. BRADSHAW  
HAROLD F. SCHUMACHER

DAVID A. WARNER  
1983-1988  
GEORGE S. NORCROSS  
1989-1990  
SIEGEL W. JUDD  
1995-1992

HAROLD S. SAWYER  
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DOUGLAS A. DOZEMAN  
JOHN V. BYL  
JANET P. KNAUS  
KATHLEEN M. HANENBURG  
TRACY T. LARSEN

March 11, 1994

via telecopy

Elizabeth B. Davis, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IV  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

Re: Enterprise Recovery Systems Site

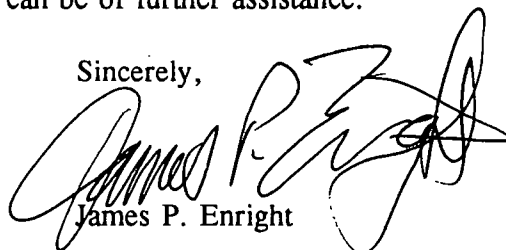
Dear Ms. Davis:

Regarding the request of Robert C. Thompson to enter the Enterprise Recovery Systems Site, it is our understanding that the U.S. Environmental Protection Agency will allow him to do so, and that no EPA personnel or contractors will be available to be present during Mr. Thompson's visit. The PRP Group appreciates being consulted by EPA regarding Mr. Thompson's visit. As we discussed, the Group would like to have its Project Coordinator, Jeff Bennett, present during Mr. Thompson's site visit. Mr. Bennett will be available for this purpose at any time during the week of March 14, but he will not be available the following week.

We understand that EPA will make arrangements with Mr. Thompson for the site visit. Please inform me of the date and time so that I can contact Mr. Bennett. I would appreciate being informed of the date and time as far in advance as possible in order to facilitate Mr. Bennett's planning.

Please contact me if we can be of further assistance.

Sincerely,

  
James P. Enright

JPE:lmb

**WARNER, NORCROSS & JUDD****ATTORNEYS AT LAW**

900 Old Kent Building  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503  
(616) 459-6121

Fax Machine - 459-2611 or 459-2170  
Fax Operator: Ext. 3779

**"TRANSMIT"****FACSIMILE COVER SHEET**

Notify: \_\_\_\_\_

Number of Pages  
Including This  
Cover Sheet: 2

Date: March 11, 1994

TO: Elizabeth B. Davis, Esq.  
(Name)

U.S. EPA Region IV  
(Company or Firm)

1-404-347-2641 x 2283 1-404-347-5246  
(Firm Number) (Telecopier Number)

FROM: James P. Enright  
(Attorney's Name)

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The attached information is intended ONLY for the named addressee. It may contain confidential or privileged communications. If you receive this fax in error, you are requested to destroy it and to contact the sender at (616) 459-6121.

If you did not receive all of the pages or find that they are not legible, PLEASE CALL BACK AS SOON AS POSSIBLE.

DISPATCHED BY: \_\_\_\_\_

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900 OLD KENT BUILDING  
111 LYON STREET, N.W.  
GRAND RAPIDS, MICHIGAN 49503-2489  
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FAX (616) 733-1480

HOLLAND OFFICE  
CURTIS CENTER  
SUITE 300  
170 COLLEGE AVENUE  
HOLLAND, MICHIGAN 49423-1000  
TELEPHONE (616) 396-8000  
FAX (616) 396-3638

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KATHLEEN M. HANDBURG  
TRACY T. LANZER

March 11, 1994

via telecopy  
Elizabeth B. Davis, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IV  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

Re: Enterprise Recovery Systems Site

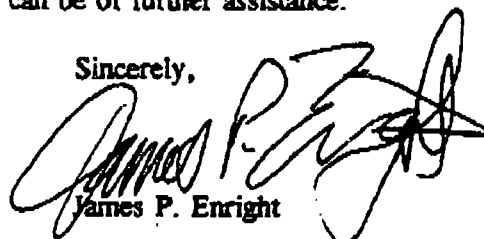
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Please contact me if we can be of further assistance.

Sincerely,

  
James P. Enright

JPE:imb

**Business**

P.O. Box 41426 • Memphis, TN • 38174 • (901) 274-0913

**Environmental  
Consulting****FACSIMILE**2<sup>nd</sup> Request  
2-15-94

There are 2 pages, including this cover sheet. If there is a problem with this FAX call Harry S. Kemp at (901)274-0913.

TO: Beth Davis  
Regional Council, EPA Region IV

DATE: 1-18-94

FROM: HARRY S. KEMP

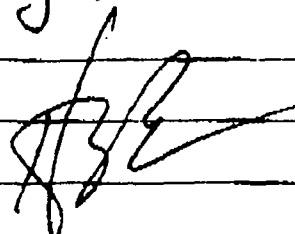
~~ERS 601-851-7254~~

Pager 901-533-8959

MESSAGE:

when you visited ERS w/ Bob Rosen on 1-11-94 we discussed the fact that some manifest copies had been mailed to Mr. Thompson by mistake. Attached is a list of all of the final manifest copies we are missing.

Can you please help me get these back for our files.

FAX Number: 404-347-5246

"Compliance, Efficiency and Liability Minimization"

# Enterprise Recovery Systems (ERS) Facility Off-Site Waste Shipments

Updated February 15, 1994

*Need final Copies*

<u>No.</u>	<u>DATE</u>	<u>PROFILE</u>	<u>STATE MANIFEST</u>	<u>VOLUME</u>	<u>COMMENTS</u>
01	10/28/93	BK 3543	CWMA 702494	5,000 gls	85% water, incineration
02	10/28/93	BK 3543	CWMA 702496	5,000 gls	85% water, incineration
03	10/31/93	BK 3544	CWMA 728260	5,000 gls	High BTU, fuel
04	10/31/93	BK 3544	CWMA 728261	5,000 gls	High BTU, fuel
05	11/02/93	BK 3544	CWMA 702498	5,000 gls	High BTU, fuel
06	11/03/93	BK 3543	CWMA 702499	2,300 gls	High BTU, fuel
07	11/08/93	BK 3545	CWMA 728268	5,000 gls	Water, incineration
08	11/08/93	BK 3545	CWMA 728269	5,000 gls	Water, incineration
09	11/09/93	BK 3545	CWMA 728270	5,000 gls	Water, incineration
10	11/09/93	BK 3545	CWMA 728272	5,000 gls	Water, incineration
11	11/10/93	BK 3545	CWMA 728273	3,300 gls	Water, incineration
12*	11/10/93	BK 3545	CWMA 728275	5,000 gls	Water, incineration
13	11/12/93	BK 3544	CWMA 728277	5,000 gls	High BTU, fuel
14 ✓	01/05/94	BO 4220	TX 00178675	20 yd <sup>3</sup>	Tank Bottoms
15 ✓	01/05/94	BO 4220	TX 00178673	20 yd <sup>3</sup>	Tank Bottoms
16 ✓	01/06/94	BO 4213	TX 00178672	20 yd <sup>3</sup>	Tank Bottoms
17 ✓	01/06/94	BO 4213	TX 00460026	20 yd <sup>3</sup>	Tank Bottoms
18 ✓	01/06/94	BO 4213	TX 00178676	20 yd <sup>3</sup>	Tank Bottoms
19 ✓	01/06/94	AN 1808	RRSI 931901	11.96 tns	Non-hazardous demolition debris
20 ✓	01/06/94	AN 1808	RRSI 931903	15.27 tns	Non-hazardous demolition debris
21 ✓	01/06/94	AN 1808	RRSI 931902	9.88 tns	Non-hazardous demolition debris
22 ✓	01/09/94	AN 1808	RRSI 931904	30 yd <sup>3</sup>	Non-hazardous demolition debris
23 ✓	01/09/94	AN 1808	RRSI 931905	30 yd <sup>3</sup>	Non-hazardous demolition debris

\* Rejected at Rhone-Poulenc due to high florides. Temporarily stored at CWM in Emelle, AL but ultimately disposed of at Rollins in Deer Park, TX.